

PATENT
REV 03-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Patil, et al. : Examiner: James William Rogers

Serial No. 10/637,459 :

Filed: August 8, 2003 : Art Unit 1618

For: LONG WEARING COSMETIC :
COMPOSITIONS : Confirmation No. 3432

Commissioner for Patents
Alexandria, VA 22131-1450

May 9, 2007

AMENDMENT AND RESPONSE TO NONFINAL OFFICE ACTION

Sir:

This Reply is being filed in response to the November 13, 2006, Office Action issued in the above-identified application. A three-month statutory due date was set for response. Applicants hereby petition for a three-month extension of time under 37 C.F.R. § 1.136 to respond to that action and note that the fee required under 37 C.F.R. § 1.17(a) in connection with this extension of time will be paid during electronic filing via the Revenue Accounting and Management System. Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Reply, authorization to charge such fees to Deposit Account No. 18-1065 will be provided during electronic filing. This Amendment and Response are timely filed on or before May 13, 2007.

Please amend the above-identified application as follows:

A Listing of the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

CLAIM AMENDMENTS:

1. **(Currently amended)** A ~~long-wearing~~ cosmetic composition comprising at least one film forming polymer solvated in volatile linear siloxane, at least one lipophilic particulate, and at least one multifunctional ingredient that interacts with one or more of the other ingredients present with the ingredients present forming a homogeneous composition.
2. **(Original)** The composition of claim 1 wherein the volatile linear siloxane is selected from the group consisting of hexamethyldisiloxane, octamethyltrisiloxane, decamethyltetrasiloxane, dodecamethylpentasiloxane, and mixtures thereof.
3. **(Withdrawn)** The composition of claim 1 wherein the volatile linear siloxane comprises hexamethyldisiloxane.
4. **(Original)** The composition of claim 1 wherein the volatile linear siloxane comprises octamethyltrisiloxane.
5. **(Withdrawn)** The composition of claim 1 wherein the volatile linear siloxane comprises decamethyltetrasiloxane.
6. **(Withdrawn)** The composition of claim 1 wherein the volatile linear siloxane comprises dodecamethylpentasiloxane.
7. **(Original)** The composition of claim 1 wherein the film forming polymer is a siloxane polymer, a copolymer of siloxane and one or more ethylenically unsaturated monomers, a siloxane and one or more organic groups, a homo- or copolymer obtained by polymerizing ethylenically unsaturated monomers, a copolymer of ethylenically unsaturated monomers and one or more organic groups.
8. **(Withdrawn)** The composition of claim 1 wherein the film forming polymer is a siloxane polymer.
9. **(Withdrawn)** The composition of claim 8 wherein the siloxane polymer is a silicone resin.

10. **(Withdrawn)** The composition of claim 8 wherein the siloxane polymer is a silicone gum.
11. **(Withdrawn)** The composition of claim 1 wherein the film forming polymer comprises a homo- or copolymer of ethylenically unsaturated monomers.
12. **(Original)** The composition of claim 1 comprising two or more film forming polymers.
13. **(Withdrawn)** The composition of claim 1 wherein the multifunctional ingredient comprises a polymer.
14. **(Withdrawn)** The composition of claim 13 wherein the multifunctional polymer is a silicone oil.
15. **(Withdrawn)** The composition of claim 13 wherein the multifunctional polymer is a thixotropic agent.
16. **(Withdrawn)** The composition of claim 1 wherein the multifunctional polymer comprises an alkyl dimethicone.
17. **(Withdrawn)** The composition of claim 1 wherein the lipophilic particulate comprises iron oxides.
18. **(Withdrawn)** The composition of claim 1 wherein the lipophilic particulate comprises organic pigments.
19. **(Original)** The composition of claim 1 wherein the lipophilic particulate comprises a mixture of pigments and non-pigmentitious particulates.
20. **(Original)** The composition of claim 1 wherein the film forming polymer comprises a copolymer of silicone and ethylenically unsaturated monomers, the lipophilic particulate comprises a mixture of pigments and non-pigmentitious powders, and the multifunctional ingredient comprises a polymer.
21. **(Withdrawn)** The composition of claim 20 wherein the multifunctional ingredient comprises a silicone oil.

22. **(Withdrawn)** The composition of claim 20 wherein the multifunctional ingredient comprises a thixotropic material.
23. **(Original)** The composition of claim 20 wherein the film forming polymer comprises a silicone acrylate copolymer.
24. **(Withdrawn)** The composition of claim 20 wherein the liphophilic particulate comprises organic pigments.
25. **(Withdrawn)** The composition of claim 21 wherein the liphophilic particulate comprises inorganic pigments.
26. **(Original)** A long wearing cosmetic composition comprising at least one film forming polymer, at least one volatile linear dimethicone, and at least one multifunctional ingredient that is not a polymer.
27. **(Original)** The composition of claim 26 wherein the at least one multifunctional ingredient comprises an ester.
28. **(Withdrawn)** The composition of claim 26 wherein the at least one multifunctional ingredient is a wax.
29. **(Withdrawn)** The composition of claim 26 wherein the at least one multifunctional ingredient comprises a plasticizer.
30. **(Withdrawn)** The composition of claim 1 further comprising a sunscreen.
31. **(Withdrawn)** A lipstick composition comprising, by weight of the total composition:
 - about 0.01-99% of a film forming polymer,
 - about 0.1-99% of a volatile silicone selected from the group consisting of octamethyltrisiloxane, decamethyltetrasiloxane, dodecamethylpentasiloxane, tetradecamethylhexasiloxane, and mixtures thereof,
 - about 0.01-99% of a volatile paraffinic hydrocarbon; and